

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

4:15-cv-04104-LLP

KEITH F. MILLER,

Plaintiff,

v. : PLAINTIFF'S MOTION  
METROPOLITAN GROUP PROPERTY : TO COMPEL  
AND CASUALTY INSURANCE  
COMPANY, :

**Defendant.**

Plaintiff Keith Miller moves this Court to Compel Defendant Metropolitan Group Property and Casualty Insurance Company (“MetLife”) under Federal Rules of Civil Procedure 37(a)(1) and (3)(iii)-(iv). In accordance with D.S.D. L.R. 37.1 and Rule 37(a)(1)’s requirement that a Motion include a “certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” *See* the Second Affidavit of Eric T. Preheim, filed herewith.

Because MetLife has refused to provide responses to discovery requests that have been repeatedly found to be discoverable in South Dakota, Plaintiff also requests an award of attorneys' fees under Rule 37(a)(5).

4:15-cv-04104-LLP  
Plaintiff's Motion to Compel

Dated this 10th day of November, 2015.

FULLER & WILLIAMSON, LLP

/s/ Eric T. Preheim

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*Attorneys for Plaintiff Keith F. Miller*

### Certificate of Service

I certify that on the 10th day of November, 2015, I e-filed and served via CM/ECF Filer (PACER), a true and correct copy of the foregoing Plaintiff's Motion to Compel, upon:

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*Attorney for Defendant*

/s/ Eric T. Preheim

One of the Attorneys for Plaintiff